

**MINUTES OF THE CITY COMMISSION MEETING
MARCH 8, 2004**

The City of Leesburg Commission held a regular meeting Monday, March 8, 2004, in the Commission Chambers at City Hall. Mayor Knowles called the meeting to order at 5:30 p.m. with the following members present:

Commissioner John Christian
Commissioner Bob Lovell
Commissioner Ben Perry
Commissioner Puckett
Mayor David Knowles

Also present were City Manager (CM) Ron Stock, City Clerk (CC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Commissioner Lovell gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD
FEBRUARY 23, 2004**

Commissioner Perry moved to approve the City Commission minutes of the regular meeting held February 23, 2004. Commissioner Lovell seconded the motion and it carried unanimously.

PRESENTED SERVICE AWARDS

CM Stock presented a service award to Chief H. Charles Idell for 30 years of service in the Police Department.

CONSENT AGENDA:

Commissioner Puckett moved to adopt the Consent Agenda and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the Consent Agenda as follows:

PURCHASING ITEMS:

1. Metro-Dade County Contract 5204-0/05 Purchase F550 Utility Truck for Environmental Services/Water Distribution awarded to Garber Auto Mall for \$33,800.00
2. Encoder Receiver Transmitters (ERTs) for City gas meters awarded to Software Installed, Inc. for \$31,800.00

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RESOLUTIONS:

RESOLUTION 7055

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for supplemental agreement #34, to the basic agreement between the parties pertaining to professional services for preparation of a mitigation plan related to the ARFF station and Taxiway K at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 7056

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the mayor and City Clerk to execute an agreement between the City of Leesburg and Hollis Neesmith for purpose of feral hog removal at the City North spraysite; and providing an effective date.

RESOLUTION 7057

A resolution of the City Commission of the City of Leesburg, Florida, repealing Resolution No. 7011 which authorized a contract with LL Swor to lease the property at 8626 U.S. Hwy 441 and authorizing the Mayor and City Clerk to execute a lease agreement between the City of Leesburg and LL Swor, Incorporated dba Furniture Country Galleries, for the purpose of leasing the building and property at 8626 U.S. Highway 441, Leesburg, Florida; and providing an effective date.

RESOLUTION 7058

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Last House on the Block of Lake County, Inc. for lease of the Jaycees Building; and providing an effective date.

RESOLUTION 7059

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Bentley Architects & Engineers, Inc. for the purposes of providing Phase 1 of the design services for the former Florida Department of Transportation yard, and providing an effective date.

RESOLUTION 7060

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a license agreement with the American Society of Composers, Authors and Publishers ("ASCAP") for the purpose of licensing the public performance of copyrighted works within the repertory of ASCAP; authorizing payment of licensing fees for calendar years 2003 and 2004; and providing an effective date.

RESOLUTION 7061

A resolution of the City Commission of the City of Leesburg, Florida authorizing an application to the Department of State, Division of Library and Information Services for a grant of \$36,476.00 to digitize historical vital records collected by the Leesburg Public Library and the City of Leesburg's contribution of \$15,754.00 during Fiscal year 2004-05; and providing an effective date.

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RESOLUTION 7062

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Perry Vogler for removal of shade hangars at Leesburg Regional Airport; and providing an effective date.

RESOLUTION 7063

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a license agreement between the City of Leesburg and Lifestream Behavioral Centers, Inc. for installation and maintenance of a camera to transmit images of Towne Square Park; and providing an effective date.

PUBLIC HEARINGS:

ADOPTED ORDINANCE 04-07 AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES, ADDING SECTION 22-154 - FIRE SUPPRESSION COST ASSISTANCE PROGRAM

CC Richardson read the ordinance, by title, as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 22 Utilities of the Code of Ordinances; adding Sec. 22-154 Fire Suppression Cost Assistance Program; providing for policies and procedures; establishing program boundaries; providing for program administration; providing for program requirements and eligibility; providing for program financing; providing for project reimbursement; prohibiting financial involvement by City employees; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the ordinance.

ADOPTED ORDINANCE 04-08 AMENDING CHAPTER 2-150 OF THE CODE OF ORDINANCES TO CHANGE REFERENCES TO "AUTHORITY" TO REFLECT THE PROPER NAME OF THE RECREATION ADVISORY BOARD; AND AMENDING CHAPTER 2-162 TO INCLUDE ANYONE WITHIN THE UTILITY SERVICE AREA TO BE ELIGIBLE TO SERVE ON THE AIRPORT ADVISORY BOARD

CC Richardson read the ordinance, by title, as follows:

An ordinance of the City of Leesburg, Florida, pertaining to Advisory Boards; amending §2-150 of the Code of Ordinances regarding the composition of the Recreation Advisory Board to change references to the "authority" to reflect the proper name of that body; also amending §2-162 pertaining to the Airport Advisory Board to expand the residency requirements to include anyone living

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within the City of Leesburg utility service area; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Puckett seconded the motion.

Mayor Knowles stated this only includes people who live within or use City utilities. It does not include those who own a business within the City which uses City utilities. Mayor Knowles stated it should include business owners.

Commissioner Perry noted the problem with including business owners is the larger companies which own businesses within the City, such as Sprint. If this included those who owned businesses within the City, companies such as Sprint could actually place someone from out of state on the board.

Commissioner Lovell noted including business owners would increase the talent base to choose from.

Commissioner Christian questioned if the requirement of a pilot license for the Airport Advisory Board is too restrictive. Commissioner Christian stated the need to have people who are very interested in the organization not just someone who has a certain qualifications.

Commissioner Puckett stated he felt those board members need a pilot's license and general knowledge of aviation in order to be effective on the board.

Commissioner Lovell requested to amend the motion to include the idea of allowing someone to serve if they have a business within the City. There was no second on this motion.

CA Morrison questioned where the line would be drawn as there are many different types of businesses -- sole proprietors, corporations, partnerships, LLC, limited partnerships. Further clarification would need to be made.

Mr. Kutch, a member of the Airport Advisory Board, stated the growth at the airport requires that people on the board be better educated on aviation. Leesburg Regional Airport is moving towards meeting the corporate jet and corporate needs.

The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Nay
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Four yeas, one nay, the Commission adopted the ordinance as read.

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ADOPTED ORDINANCE 04-09 AMENDING CHAPTER 5-6 OF THE CODE OF ORDINANCES PERTAINING TO ALCOHOL CONSUMPTION ON CITY PROPERTY AT SPECIAL EVENTS

CC Richardson read the ordinance, by title, as follows:

An ordinance of the City of Leesburg, Florida, amending §5-6 of the Code of Ordinances pertaining to consumption of alcoholic beverages on City property; providing for consumption of alcohol on City property in conjunction with approved special events; imposing conditions on alcohol consumption on City property in conjunction with approved special events; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

Commissioner Perry moved to approve the ordinance and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Four yeas, one nay, the Commission adopted the ordinance.

INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM CITIZENS FIRST BANK IN SECTION 23-19-24

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Citizens First Bank, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 23, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 8.28 ACRES NORTH AND SOUTHWEST OF US HWY 441 AND FERN DR IN SECTION 19-19-25

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, annexing certain real property consisting of approximately 8.28 acres and being generally located north and southwest of the intersection of U.S. Highway 441 and Fern Drive, lying in section 19, township 19 south, range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and

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ordinances; providing that such annexed territory shall be put in City Commission District 1; and providing for an effective date.

DCC Gibson Smith swore in property owner, Mr. Mac Blakely.

Mr. Blakely stated the City is attempting to annex the small area next to his tire store. This is vacant land and it would not provide a benefit to be within the City. The extra costs would be about \$350 per year. There are no utilities on the property.

CM Stock stated Mr. Blakely has a good argument in that it is vacant land and is not used. The problem is the City can not legally bring in the Baird property without bringing in this property as it forms an enclave. The owners of the Baird Mobile Home property have requested annexation in order to be rezoned and obtain other benefits from the City.

Mr. Blakely stated he has been told by a land use attorney that the City does not need to annex his vacant property in to the City.

CA Morrison refuted this claim stating this would create an enclave and the creation of an enclave is a violation of the statute governing annexations.

Commissioner Perry noted the act of the City is creating the enclave; not an action of the property owner.

CA Morrison stated the owner of the Baird property requested the annexation and the City accepted the application. The City could reject the application because it created an enclave or decide to annex in both pieces.

Mr. Blakely noted the Baird property is across US Highway 441 from his property. There is some question whether the road right of way is within the City or not.

Steve Richey, legal representative for the Baird Mobile Home tract, stated it is the desire of Gator Harley to relocate to this location prior to Leesburg's Bike Week. In order to develop the property the way the owners would like, the property needs to be annexed. The nature of the right of way is important. This issue needs to be resolved prior to second reading of all three ordinances pertaining to this property.

INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN, CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY 8.28 ACRES NORTH AND SOUTHWEST OF U.S. HWY 441 AND FERN DR IN SECTION 19-19-25

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 8.28 acres and generally located north and southwest of the intersection of U.S. Highway 441 and Fern Drive, lying in section 19, township 19 south, range 25 east, Lake County, Florida, from County Urban to City C (commerce) and providing

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INTRODUCED AN ORDINANCE REZONING APPROXIMATELY 8.28 ACRES NORTH AND SOUTHWEST OF U.S. HWY 441 AND FERN DR IN SECTION 19-19-25, FROM COUNTY C-2 TO CITY C-3

Commissioner Lovell introduced the ordinance to be read by title only. CC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, rezoning approximately 8.28 acres generally located north an southwest of the intersection of U.S. Highway 441 and Fern Drive, lying in section 19, township 19 south, range 25 east, Lake County, Florida, from County C-2 (community commercial) to City C-3 (highway commercial) and providing an effective date.

ADOPTED RESOLUTION 7065 AUTHORIZING EXECUTION OF A REPAYMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS RELATED TO THE SKYBOLT AEROMOTIVE, INC. ECONOMIC DEVELOPMENT GRANT PROJECT

Commissioner Perry introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor to execute a repayment agreement with the Florida Department of Community Affairs related to the Skybolt Aeromotive, Inc. Economic Development Grant project; and providing an effective date.

Commissioner Puckett stated there was much discussion on this project when it was first proposed. Now, the City is stuck with \$750,000 that it must pay back. The City will lose the grant on the instrumentation system and the fire station.

Commissioner Lovell noted this was before 9/11 and the airline industry being put into a tailspin.

Commissioner Christian stated staff is making some proposals on how to resolve this situation. He doesn't want to discourage staff from bringing other projects to the Commission.

Commissioner Perry moved to approve the resolution and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

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ADOPTED RESOLUTION 7064 AUTHORIZING EXECUTION OF A SETTLEMENT AGREEMENT WITH THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS RELATED TO THE SKYBOLT AEROMOTIVE, INC. ECONOMIC DEVELOPMENT GRANT PROJECT

Commissioner Perry introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor to execute a settlement agreement with the Florida Department of Community Affairs related to the Skybolt Aeromotive, Inc. Economic Development Grant project; and providing an effective date.

Commissioner Perry moved to approve the resolution and Commissioner Lovell seconded the motion.

Deputy City Manager (DCM) Johnson stated the options are listed in the agenda memo. Owners of Skybolt have been proactive in helping to resolve this situation. Right now the City is sending back 71% of the rent to the DCA. Some of these funds may be returned to the City, if new jobs are created during the next year.

The roll call vote was as follows:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

APPROVED RANKING OF FIRMS FOR CONTINUING FIBER OPTIC INSTALLATION

CM Stock stated staff is recommending contracting with all 4 firms and then selecting from amongst the 4 plus Hewitt based on availability, price, skill level, and type of contract. Hewitt has a current contract with the City and thus had no legal duty to submit a bid.

Commissioner Perry stated this guarantees problems. Hewitt should be listed as the primary contractor. Commissioner Perry added he is only trying to avoid a dispute.

CM Stock agreed stating the fair way to do the ranking is to name Hewitt as the primary and the remaining companies as alternates.

Commissioner Perry moved to approve the ranking of firms adding Hewitt Contracting as the primary and Commissioner Puckett seconded the motion. The roll call vote was as follows:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Christian	Yea

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Mayor Knowles

Yea

Five yeas, no nays, the Commission approved the ranking as follows: 1. Hewitt; 2. Henkles & McKoy; 3. Viasys; 4. Traffic Control Devices; and 5. Gayco Electric.

Commissioner Lovell left the room at 6:24 and returned at 6:26.

ADDITIONAL ITEMS:

Assistant City Manager (ACM) Ed Smyth stated he has three nominations to make. He will be requesting Lake County League of Cities to recommend the City of Leesburg for the Florida League of Cities 2004 City of Excellence award. The other two nominations he is requesting the City Commission to approve. These are nominating H. Charles Idell, Jr. as Florida League of Cities 2004 City Employee of the Year and nominating Ronald W. Stock as Florida League of Cities 2004 City Manager of the Year. A unanimous vote is needed on both of these items for them to be entered.

ADOPTED RESOLUTION 7066 SUPPORTING THE NOMINATION OF HARLAN CHARLES IDELL JR FOR FLORIDA LEAGUE OF CITIES 2004 CITY EMPLOYEE OF THE YEAR AWARD

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

A resolution of the City Commission of Leesburg, Florida, in support of the nomination of Harlan Charles Idell Jr. for the Florida League of Cities 2004 City Employee of the Year award.

Commissioner Perry stated an objection to the process of bringing these resolutions to the Commission. He said the Commission should have the items in time to be reviewed before the meeting. Neither of these resolutions is on the agenda.

Commissioner Lovell moved to approve the resolution and Commissioner Christian seconded the motion. The roll call vote was as follows:

Commissioner Puckett	Yea
Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

ADOPTED RESOLUTION 7067 SUPPORTING THE NOMINATION OF RONALD W. STOCK FOR FLORIDA LEAGUE OF CITIES 2004 CITY MANAGER OF THE YEAR AWARD

Commissioner Lovell introduced the resolution to be read by title only. CC Richardson read the resolution as follows:

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A resolution of the City Commission of Leesburg, Florida, in support of the nomination of Ronald W. Stock for the Florida League of Cities 2004 City Manager of the Year award.

Commissioner Puckett moved to approve the resolution and Commissioner Lovell seconded the motion. The roll call vote was as follows:

Commissioner Christian	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Knowles	Yea

Five yeas, no nays, the Commission adopted the resolution.

CITY ATTORNEY ITEMS: None

CITY MANAGER ITEMS: None

Citizen Don Luckich requested time to speak. Mayor Knowles requested Mr. Luckich submit his item to be placed on the agenda.

ROLL CALL:

Commissioner Lovell – none

Commissioner Perry – asked Mr. Don Luckich to forward the reasons he wished to speak to the Commission to the City Clerk's office to be placed on the agenda. This will allow the Commissioners time to review them prior to the meeting.

Commissioner Puckett – none

Commissioner Christian – none

Mayor Knowles– presented a plaque of appreciation from the Lake County Regional Medical Center to CM Stock. The plaque was in appreciation of helping with one of its charity races.

Commissioner Perry moved to adjourn the meeting. Commissioner Lovell seconded the motion and the meeting adjourned at 6:34 p.m.

Mayor

Attest:

City Clerk

Diane L. Gibson Smith

Recorder

MINUTES 040308